

SB24-030 Recidivism Definition Working Group

Meeting Minutes

June 6, 2024 | 10:00am-12:00pm

Location: Hybrid - 700 Kipling, 3rd Floor DCJ Conference Room / Zoom

Attendance: Kelli Burmeister (Division of Youth Services), Michael Campbell (University of Denver), Jeff Wise (Remerg), Dave Wolfsgruber (DOC-Parole)

Absent: Greg Saiz (DOC-Parole Board), Katie Ruske (Office of Community Corrections), Aaron Stewart (State Judicial)

DCJ Staff: Erin Crites, Linda Harrison, Jack Reed

Guest: Lindsay Compton (DOC-Statistical Analyst)

Meeting Timeline/Minutes

- 1:00-1:05 Welcome
- 1:05-1:10 Introductions
 - Please speak slowly and clearly
 - Guest: Lindsay Compton: DOC stat analyst; Valerie Schamper: in for Katie Ruske
- 1:10-1:30 Review minutes from previous meeting
 - Kelly→Kelli in previous notes
 - May 23: Describing DYS clock start—clock starts right when supervision is done.
 - Pre-release starts when they are committed.
 - Need to identify the other entities to provide this definition
- 1:30-1:45 Finalize “point to begin tracking”
 - Can’t do this at this meeting because we are missing Aaron Stewart, Greg Saiz, and Katie Ruske.
 - Considering whether to use admission, at release.
 - Will send out an email after this meeting to see how close we are to consensus on the point to begin tracking.
 - All reports of recidivism will need to follow this definition in addition to any others used.
- 1:45-2:30 Discussion of options for “cohort to track”
 - DOC releases: Dave—Like to hear from Lindsay—Currently cohort includes folks who release from inmate status in a calendar year (does not include Community Corrections) and first release only if released more than once in that year. Community Corrections still considered “inmates.” Condition of parole, only included if they are not on inmate status. The transition Community Corrections people are still considered inmates.
 - Question about when the individual becomes “at-risk”: once they transition out of inmate status inside of Com Cor
 - This definition aligns with the Correctional Leaders’ Association to allow for comparisons across other DOCs.
 - Valerie: in other parts of the nation Community Corrections isn’t really a thing.
 - Most states don’t have Colorado-like (staff secure residential facilities, but can walk away).
 - Have inmates in the community
 - Jack: Halfway houses do exist in other states and are run by the state. Would these folks be counted?
 - Dave: once they are released to parole they are no longer an inmate and recidivism clock starts.
 - Is this the best practice to define cohort by “status” rather than location?
 - Val: OCC—those clients in facility on inmate status are included in recidivism for PBC (tracked for 2 years).

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- Open question is how many cohorts do we want for people leaving DOC?
- What happens when people leave prison?
 - Inmates to Community Corrections, but not granted parole—still an inmate in a different setting
 - Parolees in Community Corrections
 - Parolees with no Community Corrections
 - Max out and not paroled
- If an inmate is in Community Corrections and commits a new crime and they go back to DOC not counted as recidivism for DOC (but Community Corrections would count them as recidivists).
 - ISPI—there are inmates on parole but not in Community Corrections. This is a small group.
- Pre-release versus post-release question: once they leave DOC's walls but still an inmate could be part of the "pre-release" cohort.
- Risk for committing new crime may depend on where the physical person is located.
- DOC has 3 rolling years to be counted as recidivists—counted only on the 3rd year.
- Michael: How do we explain the nuances of status to someone in the community? Recidivism wouldn't count for individual in inmate status but lives in the community. Talking about the broader impact of the system and peoples' access to victims. Can this happen when data are grounded in different definitions of how people are counted? Mission requires we include people who are in the community but can't expect the agencies to redo how they capture data.
- Jack: Lindsay can you tell where people are at in the data? Lindsay: Yes.
 - Would be a shift in which data are used to identify cohort?
- Lindsay: this is how we report data right now.
- Dave: this is a low bar. Must take into consideration the different processes that are involved in the process.
- DOC—pre: inmate status but in community; post: parole
 - When do we start counting release?
 - Anything in the bucket of supervision is post-release?
- When does the agency's responsibility end?
 - Build a diagram!!!
- Valerie: Community Corrections only looks at successful completion. Now looking at time at risk (walk in the door) for PBC.
- DOC and Community Corrections may count some of the same people.
- Jack to Jeff: What are your thoughts on the cohort conversation?
 - Tracking point for community programs is program enrollment. What is not clear is who they are tracking (parole only, anyone who is justice involved). Everyone begins at the time of enrollment which is a lot similar.
 - Thought it would be simple—not an inmate, but now I see why it's a lot more complicated. In a perfect world it would start when they are released from custody of a facility.
- A person may come in and out of a cohort.
- Lindsay: 900-1000 residential community people to track. Is it worth the workload to do this match?

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- Kelli to Lindsay: when does DOC's responsibility end? DOC is still responsible for them but they are not considered a jurisdictional population.
- Go into cohort when they are no longer on "I" status.
- DOC parole: pre—while on parole; post: off parole.
- When off DOC leave inmate status to:
 - Parole
 - Discharge
- Parole:
 - Anyone who has successfully discharged or completed parole.
 - Maximum expiration date of parole supervision.
 - What are the discharge options from parole:
 - Successful
 - Early parole discharge
 - Return with new crime
 - Technical return
 - Other
 - Parole periods can be lengthy—that's a long time to wait.
- DYS:
 - Only include successful discharges for this purpose
- Community Corrections
 - Would you only want to count diversion clients?
 - Successful terminations often go back to some other version of supervision.
 - Diversion—non-residential—direct termination
 - Can kill number in residential.
 - When are they no longer Community Correction's responsibility?
 - Successful termination from residential and non-residential status.
- Judicial—Probation, Adult Diversion, Adult Problem Solving Court
- 2:30-2:45 Public Comment
 - No members of the public present
- 2:45-3:00 Wrap-up and Adjourn

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MANDATES. Pursuant to 24-33.5-536, C.R.S. (Senate Bill 2024-030)

The working group shall:

- Be appointed no later than September 15, 2024.
- Develop a definition of recidivism no later than January 15, 2025.
- Provide a definition of recidivism to each state entity identified by DCJ and the working group pursuant to 24-33.5-536(1)(b) CRS no later than January 31, 2025.
- Conclude its meetings by January 31, 2025.

The working group is required to develop a recidivism definition consistent with statute that includes:

- A clearly defined measurement point to begin tracking the recidivism event defined in 24-33.5-536(2)(4)(c).
- A clear description of the cohort to be tracked.
- A clearly defined time period during which an event is considered a recidivism event that is consistent with best practices for measuring recidivism.
- The recidivism event is a new deferred agreement or adjudication or conviction for a felony or misdemeanor offense, including "Victim Rights Act" crimes.
- In order to promote the use of consistent definitions by various state entities, the working group may develop definitions or data points related to recidivism or the desistance from crime that state entities may use as applicable.